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Supreme Court of the United States

October Term, 1947

No. 337

THE CONNECTICUT MUTUAL LIFE INSURANCE COMPANY, MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY, NATIONAL LIFE INSURANCE CO., *et al.*,

Appellants,

against

FRANK C. MOORE, Comptroller of the State of New York,

Appellee.

BRIEF FOR APPELLEE IN OPPOSITION TO PETITION FOR REHEARING

NATHANIEL L. GOLDSTEIN,
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It is respectfully submitted that this Court should deny in all respects the appellants' petition for a rehearing on the question of what State has jurisdiction to escheat the proceeds of abandoned life insurance policies.

The case presented to and decided by this Court involved solely the constitutional power of New York to take into its custody the proceeds of abandoned life insurance policies issued under specific conditions. The matter raised by the petition for rehearing is dehors the issue and presents hypothetical possibilities and anticipatory conditions which are moot and may never be raised. "The duty of

this Court, as of every judicial tribunal, is limited to determining rights of persons or of property, which are actually controverted in the particular case before it". (*California* v. *San Pablo & Tulare R. R. Co.*, 149 U. S. 308, 314 [1893]).

In any event, all of the issues raised in the petition for rehearing were presented to this Court in the original briefs and were undoubtedly considered before rendition of the decision.

Dated, New York, N. Y., April 14, 1948.

Respectfully submitted,

NATHANIEL L. GOLDSTEIN,
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of New York,
Attorney for Appellee.

WENDELL P. BROWN,
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